

STATE OF NEW HAMPSHIRE

Superior Court

Merrimack, ss.

August Term, 2025

State of New Hampshire

No. 217-2024-CR-1167

v.

Anna Barbara Hantz Marconi

JOINT RESPONSE TO INTERIM ORDER
ON PETITION TO ACCESS SEALED COURT RECORDS

The State of New Hampshire and the accused, Justice Anna Barbara Hantz Marconi, respectfully and jointly respond to this Court's August 18, 2025 Interim Order on purported intervenor Brok-Alan Woodward-Griffith's Petition to Access Sealed Court Records. The parties note that there was no intended request to keep the various motions to seal out of the public record. Therefore, the parties take no position on the request for the Court to allow public access to the motions to seal. However, the parties object to placing the remaining sealed / unredacted pleadings in the public record because they are confidential since they refer to grand jury proceedings which are subject to a protective order.

BACKGROUND AND ARGUMENT

1. On August 4, 2025, serial and purported intervenor Brok-Alan Woodward-Griffith filed a Petition to Access Sealed Court records, specifically, nine documents (docs. # 43, 46, 37, 104, 105, 108, 109, 112, 113). *See Petition to Access Sealed Court Records* (Aug. 4, 2025) (doc. # 125) at ¶ 1; *Interim Order* (Aug. 18, 2025) (doc. # 131).

2. On August 18, 2025, this Court renewed its denial of Mr. Woodward-Griffith's access to grand jury materials for the reasons stated in prior orders. *See Interim Order*. This Court recognized that there are two sets of confidential documents, five confidential pleadings (docs. #

46, 47, 105, 109, 113) and four motions to seal (docs. # 43, 104, 108, 112), the latter of which were “placed under seal without separate motion in order to facilitate specific arguments about why’ the other sealed documents should have been kept confidential.” *Id.* (quoting N.H. R. Crim. P. 50(d)(5)).

3. This Court then asked the parties “to respond to Mr. Griffith’s Petition regarding all the documents he seeks and to include specifically their positions on whether the motions to seal should remain confidential.” *Interim Order* (Aug. 18, 2025).

4. Docs. # 46, 47, 105, 109, 113) “refer[] to grand jury materials which are subject to a protective order.” (citing N.H. Super. Ct. R. 13B; N.H. R. Crim. P. 8(b)(6); N.H. Sup. Ct. R. 52; *State v. Purrington*, 122 N.H. 458, 462 (1982); *State v. Damiano*, 124 N.H. 742, 748 (1984)).

The State and the defense agree that these pleadings must remain confidential. *See id.* *See also* N.H. R. Crim. P. 50(c)(3)(A) (describing how grand jury material is “the type of information that should ordinarily be treated as ‘confidential information’”); *Interim Order* (“To the extent Mr. Griffith is renewing his request for access to grand jury materials, that request is DENIED for the reasons stated in prior orders.”).

5. As to whether the motions to seal, Docs. # 43, 104, 108, and 112, should remain confidential, the defense and the State take no position, bearing in mind that there was no request to seal the separate motions to seal themselves.

6. The parties recognize that N.H. R. Crim. P. 50(d)(5) provides that the “motion to seal shall itself automatically be placed under seal without separate motion in order to facilitate specific arguments about why the party is seeking to maintain the confidentiality of the document or confidential information.” However, the motions to seal do not contain confidential information and merely describe how the underlying motions refer to confidential grand jury material subject to a protective order. The motions to seal specify the authority for the

confidentiality, *see* N.H. R. Crim. P. 50(d)(2), as well as the duration of the confidentiality. *See* N.H. R. Crim. P. 50(d)(3).

7. In granting the original motions to seal, the defense and the State believe this Court recognized that the underlying pleadings contain confidential material referring to grand jury proceedings. Thus, the parties believe this Court has already examined the documents in question “to determine whether there is a basis for nondisclosure” when it granted the motions to seal. Furthermore, this Court’s Interim Order reiterated to Mr. Woodward-Griffith that he has no right to access to grand jury materials. Thus, the parties believe that a hearing is unnecessary. N.H. R. Crim. P. 50(e)(3). They further believe that the above-cited authorities and facts “support the decision of nondisclosure.” N.H. R. Crim. P. 50(e)(4).

8. Finally, the defense and the State note that N.H. R. Crim. P. 50(e)(2) requires that the person filing a motion to unseal shall have the burden to establish that notice of the motion to unseal was provided to all parties. Mr. Woodward-Griffith represented in an August 18, 2025 email to Merrimack County Clerk Uhouse that “no party has objected” to his petition to unseal. That is not accurate.

9. On August 1, 2025, Mr. Woodward-Griffith solicited the State and the defense for their respective positions on his motion to unseal (among other matters). Contrary to Woodward-Griffith’s representation to Clerk Uhouse, Attorney Guerriero told Mr. Woodward-Griffith on August 4, 2025 that

Respectfully, on behalf of our client, we object to your continued efforts to intervene in and disrupt the proceedings in this case. The Court has correctly ordered that you have no right to intervene in or disrupt this proceeding. We also disagree with your description of the status of the matter at the New Hampshire Supreme Court. Finally, you should be aware that we may request attorney fees, costs, and other relief if your efforts to intervene persist. Please note our position verbatim in any documents you file.

10. Likewise, Attorney Jimenez responded on that same day: “The State objects to your continued intervention and any of the below proposed pleadings. The State also reserves the right to request attorney’s fees, costs, and any other relief as it may deem appropriate.”

11. Mr. Woodward-Griffith nowhere acknowledged these objections.

12. Defense counsel communicated with counsel for the State who gave their permission to sign this pleading on their behalf.

WHEREFORE the defense and the State take no position on whether the motions to seal (docs. # 43, 104, 108, 112) should remain confidential, but the defense and the State object to any disclosure of the underlying pleadings (docs. # 46, 47, 105, 109, 113).

Dated this 19th day of August, 2025.

Respectfully submitted,

/s/ Dan A. Jimenez

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CERTIFICATE OF SERVICE

I, Richard Guerriero, do hereby certify that Senior Assistant Attorney General Dan Jimenez and Assistant Attorney General Joseph Fincham are registered e-filers in the Court's electronic filing system and that when filing this motion, I am electing for them to receive a copy of the document through the electronic filing system's system for electronic service. Paper copies and PDF copies are also being conventionally mailed and emailed to Mr. Brok-Alan Woodward-Griffith.

/s/ Richard Guerriero
Richard Guerriero